

### **REMARKS**

Claims 1-5 are pending and under consideration in the above-identified application.

In the Office Action of June 23, 2009, claims 1-5 were rejected.

With this Amendment, claim 1 is amended solely to correct a typographical error.

#### **I. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1-2 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Funk et al.* (U.S. Pat. No. 6,448,604) (“*Funk*”) in view of *Brunner* (U.S. Pat. Pub. No. 2005/0221528) (“*Brunner*”) and *Wolf* (vol. 1, pages 331-332) (“*Wolf*”).

Claims 3-4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Funk* in view of *Brunner* and *Wolf* in further view of *Zurn* (U.S. Pat. No. 6,621,134) (“*Zurn*”) in further view of *Schmid* (U.S. Pat. No. 6,761,068) (“*Schmid*”).

Applicant respectfully traverses this rejection.

In relevant part, independent claim 1 recites a step of performing a film-formation treatment by sputtering at a reduced pressure following the etching of a sacrifice layer so as to form a sputtering layer that seals a penetrating hole and is also formed into a wiring layer.

This is clearly unlike *Funk* or *Brunner*, which both fail to disclose or even fairly suggest a step of performing a film-formation treatment by sputtering at a reduced pressure following the etching of a sacrifice layer so as to form a sputtering layer that seals a penetrating hole and is also formed into a wiring layer. Instead, *Funk* discloses filling an etching channel with a re-fill material made of silicon dioxide which acts as an insulator and then forming an aluminum contact layer on the surface of the re-fill material. See, U.S. Pat. No. 6,448,604, Col. 4, l. 6-67. *Brunner* discloses sealing two access trenches by forming an optical layer over the access

trenches. See, U.S. Pat. Pub. No. 2005/0221528, Para. [0045]-[0048]. Further, nowhere do *Funk* or *Brunner* disclose a sputtering layer, or any other layer, being formed into a wiring layer.

*Wolf*, *Zurn* or *Schmid*, similarly, fail to disclose anything pertaining to a step of performing a film-formation treatment by sputtering at a reduced pressure following the etching of a sacrifice layer so as to form a sputtering layer that seals a penetrating hole and is also formed into a wiring layer. *Wolf* merely discloses that the properties of aluminum and aluminum alloys are favorable for use in sputtering. See, *Wolf* at Page 332. *Zurn* discloses forming and sealing a resonator cavity with an insulation material. See, U.S. Pat. No. 6,621,134, Col. 4, l. 1-20. *Schmid* discloses using a connecting layer as a sacrifice layer which protects an oscillator from etching. See, U.S. Pat. No. 6,676,178, Col. 6, l. 7-24.

Therefore, because *Funk*, *Brunner*, *Wolf*, *Zurn*, *Schmid* and any combination of them fails to disclose or even fairly suggest every element of claim 1, the rejection cannot stand. Since claims 2-5 depend, either directly or indirectly, from claim 1, they are allowable for at least the same reasons.

## II. Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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By: /David R. Metzger/

David R. Metzger

Registration No. 32,919

SONNENSCHNEIDER NATH & ROSENTHAL LLP

P.O. Box 061080

Wacker Drive Station, Sears Tower

Chicago, Illinois 60606-1080

(312) 876-8000